

City of La Verkin

435 North Main St., LaVerkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

La Verkin City Council Meeting Minutes Wednesday, November 4, 2015 6:00 p.m. Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council Members: Richard Hirschi, Ken Hooten, Micah Gubler, and Chantelle Browning; Staff: Derek Imlay, Troylinn Benson, Kevin Bennett and Christy Ballard; Public: Patricia Ashcraft, Leon Gubler, Blair Gubler, Mike Wilson, Dennis Wolsleger and John Valenti.

Councilman Randy Reeve and Chief Ben Lee have been excused.

- A. Called to Order** – Invocation and the Pledge of Allegiance was given by Leon Gubler at 6:00pm.
- B. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
 3. Minutes: October 21, 2015 regular meeting minutes
 4. Review Invoices and Checks: \$65,760.58

Motion was made by Councilman Ken Hooten to approve the consent agenda as written, including the October 21, 2015 regular meeting minutes and checks and invoices in the amount of \$65,760.58, second by Councilwoman Chantelle Browning. Roll Call Vote: Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously.

C. Committee Reports:

1. Planning Commission-Councilman Hirschi reported the Planning Commission is still working on the rezone of State Street. They have also started discussing the 2015 Affordable Housing Plan. The November meeting has been cancelled.
2. Water Board-Mayor Gubler reported the Water Board has decided to take the irrigation water out of the system on the contracted date, November 15 from now on. The Water Board is also discussing rate increases to cover the cost of maintaining the system. That recommendation could be coming to the City Council in a couple months.
3. Sewer Board-Blair reported on a couple items that were discussed. Hurricane has some road improvement projects they are working on, one of the developers did not want to complete the road at this time, but Hurricane wanted it finished. Ash Creek Sewer District has agreed to help complete it and the developer will have to reimburse them at a future date, the agreement for that is being negotiated.
La Verkin has a couple settle spots that need to be looked at, if they are Ash Creek's they will take care of them. There is a bad spot at the 5-way stop sign in Pheasant Glen that will need to be addressed.
4. Fire District-There has not been a meeting.

D. Citizen Comment & Request for Future Agenda Items:

Patricia Ashcraft-Her main complaint is the amount of feral cats in the area. She has five that come into her yard, go to the bathroom, and ruin her flowers. She has done what she can by setting mousetraps and using red pepper, which is very effective but expensive.

Something needs to be done. She has discussed the situation with the animal catcher who agreed there is a problem.

Her neighbor feeds the cats, she has talked to him about the issue but he makes no effort to help her. Her second complaint is noise from vehicles. There are people speeding down Main Street in junk cars and cowboys in there big trucks speeding through Zion View Estates.

Mayor Gubler said the information would be passed on to Chief Lee.

Ms. Ashcraft thanked the City for making people clean up their yards.

Leon Gubler-He would like to address the ordinance that deals with yard storage. He feels the ordinance is too broad. He received a notice and since that time has driven around La Verkin and most people are in violation of the ordinance. The ordinance states all trailers must be stored off site or behind a fence and not be visible from the street. That is quite unrealistic; virtually every yard has a trailer. Farm equipment if it's not used in 30 days has to be removed. He has that and feels the request is unreasonable.

His neighbor was cited for having a garden hose in front of his garage door and a bike leaning against the side of his house.

Mayor Gubler explained no one has been cited, they have only received notices.

Leon agrees with Ms. Ashcraft, he is not in favor of trashy yards but feels the ordinance is so broad; every citizen is in violation of it at some point.

Mayor Gubler said the staff could look at the ordinance to see if it can be written clearer. He did state no one has been issued a citation; they have only been given notices.

Leon said when he received his notice he was unclear on what was acceptable and what wasn't. When Officer Fackler circled the items that were in violation, they were all at least 60 feet from the road and Leon feels that is sufficient and is not a violation. The way the ordinance reads he would have to get rid of everything he owns.

Mayor Gubler stated staff would look at the ordinance.

E. Business:

1. Presentation, discussion and direction to staff concerning the City retirement plan. Mike Wilson is from Utah Retirement Systems. He went over the history of the contributory system. That system required employers to contribute into the State Pension Plan and gave the employers the right to make employees pay for part of their pension. In the early 90's the non-contributory system came about, currently about 80-90% of the State is in that plan. When the non-contributory system was created, the legislature provided a window for agencies to switch over. They have opened that window a few times since then for agencies to switch. The benefit is the same for employees and gives them more retirement options. The new system is about 2% cheaper. The window was open this year in July. Kyle and Troylinn thought the employees and City Council might be interested in changing. Changing to the non-contributory does take away the right the City has of requiring the employees to help pay for their pension.

Councilwoman Browning asked if the City could switch back when the window was opened again.

Mike replied that would be up to the legislature, but so far has never been done. The window has always been to switch to the non-contributory.

Councilman Hooten asked if there was an impact to the employee when they retire.

Mike answered there is not one. The non-contributory system is more advantageous for them. The window closes on December 31. Then the employees have six months to decide if they would like to switch.

Kyle said if the Council were interested, they would need to give approval to Staff tonight so Kevin can get something drafted for the next City Council meeting in December.

Troylinn explained the employees are aware of this and are okay with either plan.

Mike reported the negatives for not switching would be paying the higher rate and the contributory system pool is getting smaller and smaller so there are less people to spread out the costs. It has been about five years since the window has been opened.

Councilman Gubler asked if the employees have ever been required to pay for part of their pension.

Kyle replied no, the employees have never had to contribute. The police officers are already on the non-contributory plan.

The Councilmembers were all in favor of having Kevin prepare a resolution for this change.

2. Discussion and possible action to approve the Road Improvement Agreement (including street lighting) for the Washington County School District and Interstate Rock properties situated within Phase I of proposed Cottonwood Hollow.

Derek explained this would be from the end of Main Street to the farthest point of the WCSD's property to the north and from SR17 into Main Street. Interstate Rock will be doing the work for the School District.

The grade of the drop-off at the end of Main Street will be changed to 10%, which will make it not as steep.

The conduit and streetlights will be installed but there will not be power for them until either IRP or WCSD develops the area, which is what the contract covers.

The Fire Department has added a letter to the Plat that will need to be included in the motion. It states that any large-scale development that takes place in Cottonwood Hollow will require the road system to create a secondary access.

It will be a fully improved 60-foot road with a 3-foot flat space beyond it.

Kevin mentioned this item went before the Planning Commission in April. It received approval subject to the Road and Light Agreement being worked out. That agreement will need to be approved first and then the Preliminary Plat with the Fire Department letter is the next business item.

Motion was made by Councilman Ken Hooten to approve the Road Improvement Agreement including street lighting for the Washington County School District and Interstate Rock properties situated within Phase I of proposed Cottonwood Hollow, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously.

3. Discussion and possible action to approve the proposed Preliminary Plat for the Cottonwood Hollow subdivision and proposed Construction Plans for the Cottonwood Hollow Road Improvements.

Kevin explained the Planning Commission has recommended this for approval, subject to the Agreement that was just approved. This dedicates the road to the City.

Motion was made by Councilman Richard Hirschi to approve the proposed Preliminary Plat for the Cottonwood Hollow subdivision and proposed Construction Plan for the Cottonwood Hollow Road Improvements with the addition of the letter from the Hurricane Valley Fire District, second by Councilman Ken Hooten. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously.

F. Staff, Mayor & Council Reports:

Kyle emailed his report to the Councilmembers.

The Read To Lead program had an event with local and County leaders. He heard several compliments concerning the program from some of those leaders.

Saturday, December 5 is Winterfest, Kyle passed out a schedule of events. There will be a float for the Councilmembers.

The Water Board discussed the need for a rate increase for the secondary water system. In 2010, the Engineer conducted a study and recommended then to begin increasing the rates over five years. The Board chose not to at that time. The Water Board will meet in January to discuss the issue further. Rate increases are never popular but it is needed.

WCWCD held a meeting where water rates were discussed. He included information from that meeting in his email.

RAP Tax money budgeted this year was \$30,000. La Verkin has already collected \$14,840, which is about \$3,700 per month giving us an estimated \$45,000 this year. This amount is based on sales and our biggest months are the summer months so we may not reach the \$45,000. The Councilmembers will need to decide where they would like to put that money.

Kyle read the unofficial results from the election. He thanked Anna Andregg, Norman Gubler, Richard Wall, and Bonita Sutton for their help with the election. The special Canvass meeting is scheduled for Friday, November 13, at 8am. It is an official meeting and will need a quorum.

The Beautification Committee will be doing a Christmas lighting contest again this year.

The Canvass meeting was changed to 7:45am on Friday, November 13.

Councilman Hooten asked if the RAP Tax has parameters of how the money can be spent.

Kyle replied the money has to be spent on Recreation, Arts or Parks. Cities cannot replace items already covered in their budget with RAP Tax money. However, they can add to those budgeted items with the money.

A percentage of the money should be spent in each of the areas.

Vintage Park subdivision was promised playground equipment for their park and that still needs to happen. This money, along with impact fee money can be used for that.

The RAP Tax is guaranteed for 10 years, at that time it will be reevaluated.

Mayor Gubler mentioned there would be a work meeting in early 2016 to discuss where to put the RAP tax money.

Public Safety-

Officer Dennis Wolsleger had nothing to report.

Director of Operations-Derek Imlay

There have been a lot of culinary breaks and irrigation leaks, which is common for this time of year. He is glad the Water board has decided to take the water out on the 15th.

Derek explained some of the breaks they are dealing with.

The City Council previously approved Sunrise Engineering to do the Master Water Plan, which needs to be done every 5 years, for La Verkin. This is being paid for with a Grant. That plan has been completed and came in under budget, so Sunrise is recommending the City amend the contract with them to include an Impact Fee Facilities Plan and an Impact Fee Analysis Plan, the remaining grant money will cover both items.

The Master Water plan, Secondary Water Plan, Street Plan and Drainage Plan, along with the Impact Fee Facilities Plan and Analysis Plan should be included in one book making up the City's Capital Facilities Plan. The last time these were all completed was in 2010.

The City will need to advertise they are interested in amending the contract before any action can be taken. If the Councilmembers are interested in amending the contract to include those items, at no cost to the City, Derek will start the process by advertising the intention of amending the contract.

Kevin went over the steps required when a city has this type of work done.

He did mention there should be no cost to the City; however, if any issues arise that may change. Russ Funk, our Engineer, claims they have never had an issue arise.

The Councilmembers were all in favor with moving forward to amend the contract with Sunrise Engineering.

Treasurer-Troylinn Benson

The Blu-Can Recycling Program opt-out time period ends on November 8, so far there have been about 325 citizens' opt-out. There was a question of property owner or renter having the ability to opt-out. We have gone with the property owner being the one who needs to opt-out.

Troylinn passed out the first quarter financial report.

Councilwoman Browning reported the people she has talked to know nothing about the recycling program. She knows the information has been on the bill, the website, Facebook and was mailed to each resident but wondered if people are mentioning how they are finding out about it. She is worried about the number of people who are not aware and the backlash that will create.

Kyle said most people he has talked to knew about it from the mailer.

Troylinn replied staff is also reminding the people that are coming into the office but she too is worried it will be an issue once we begin charging people.

The Councilmembers will need to decide the criteria for the hardship opt-out.

Councilman Hooten would like the financial reports emailed.

Mayor Gubler- In January there will be a work session for the RAP Tax projects. Going paperless will also be discussed.

Browning- Has not had any meetings.

Hirschi- Nothing to report.

Hooten- He thanked the citizens for their comments.

Gubler- Nothing to report.

G. Executive Session:

1. Strategy session to discuss pending or reasonable imminent litigation.

Motion was made by Councilwoman Chantelle Browning to adjourn to an Executive Session at the location of 111 South Main in La Verkin Utah for the purpose of discussing pending or reasonably imminent litigation, second by Councilman Ken Hooten. Motion carried unanimously at 7:01pm.

H. Reconvene from Executive Session:

1. Possible action on subject matter from Executive Session.

I. Adjourn:

Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously at 7:53pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

December 2, 2015
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Kerry T. Gubler
Mayor Kerry T. Gubler